

1993

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Registrar-General Bill 1993

A BILL

FOR

**An Act to establish an office of Registrar-General for
the Territory**

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

1. This Act may be cited as the *Registrar-General Act 1993*.

5 Commencement

2. (1) Section 1 and this section commence on the day on which this Act is notified in the *Gazette*.

(2) The remaining provisions commence on a day fixed by the Minister by notice in the *Gazette*.

10 (3) If a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period.

83045 1992/126 (T45/93)

Interpretation

3. In this Act, unless the contrary intention appears—

“Registrar-General” means—

- 5
- (a) the person holding office as the Registrar-General of the Australian Capital Territory; and
 - (b) in relation to the exercise of powers and functions conferred or imposed on the Registrar-General—the corporation referred to in section 5;

10 “seal” means the official seal of the Registrar-General referred to in paragraph 5 (1) (c).

Registrar-General and Deputy Registrars-General

4. (1) The Minister shall appoint—

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- (a) a Registrar-General; and
 - (b) such Deputy Registrars-General as the Minister considers necessary.

(2) A person is not eligible for appointment as Registrar-General or as Deputy Registrar-General unless the person is a public servant.

20 (3) If a person appointed as Registrar-General or Deputy Registrar-General ceases to be a public servant, he or she ceases to hold office as Registrar-General or Deputy Registrar-General, as the case may be.

Registrar-General a corporation sole

5. (1) The Registrar-General—

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- (a) is a corporation sole by the name of the Registrar-General of the Australian Capital Territory;
 - (b) has perpetual succession;
 - (c) shall have an official seal; and
 - (d) is capable, in the corporate name of the Registrar-General, of acquiring, holding and disposing of real and personal property and suing and being sued.

30 (2) The Minister shall publish the design of the official seal in the *Gazette*.

Powers and functions

6. (1) The Registrar-General has such powers and functions as are conferred or imposed on the Registrar-General by any law in force in the Territory.

5 (2) Subject to the directions of the Registrar-General, a Deputy Registrar-General has, and may exercise and perform, all the powers and functions of the Registrar-General.

10 (3) A power or function conferred or imposed on the Registrar-General, when exercised or performed by a Deputy Registrar-General, shall, for all purposes, be taken to have been exercised or performed by the Registrar-General.

(4) A person dealing with a Deputy Registrar-General is not bound to enquire whether the Deputy Registrar-General, in exercising a power or performing a function in connection with the dealing—

- 15 (a) was subject to a direction of the Registrar-General; or
(b) complied with a direction of the Registrar-General to which the Deputy Registrar-General was subject.

Acting appointments

20 7. (1) The Minister may appoint a person to act as Registrar-General—

- (a) during a vacancy in the office of Registrar-General, whether or not an appointment has previously been made to the office; or
25 (b) during any period, or during all periods, when the Registrar-General is absent from duty or from the Territory or is, for any other reason, unable to perform the functions of the office;

but a person appointed to act during a vacancy shall not continue to so act for more than 12 months.

(2) A person is not eligible for appointment under this section unless the person is a public servant.

30 (3) If a person appointed as acting Registrar-General ceases to be a public servant, the person ceases to hold office as acting Registrar-General.

(4) Anything done by or in relation to a person purporting to act under an appointment made under this section is not invalid on the ground that—

- (a) the occasion for the appointment had not arisen;
35 (b) there was a defect or irregularity in connection with the appointment;

(c) the appointment had ceased to have effect; or

(d) the occasion to act had not arisen or had ceased.

Liability of Registrar-General and other officers

8. (1) A person—

5 (a) who holds, or has held, the office of Registrar-General; or

(b) who is, or has been Deputy Registrar-General or an acting Registrar-General;

10 is not liable, personally, to an action or other proceeding for or in relation to an act done or omitted to be done in good faith in performance or purported performance of any function, or in exercise or purported exercise of any power or authority, conferred on the person in that capacity.

15 (2) Where, by act or omission of the Registrar-General or another person acting or purporting to act in good faith for the Registrar-General, a person sustains a loss or injury that would have entitled that person to a remedy in respect of the loss or injury if the act or omission were an act or omission of a natural person—

20 (a) the person sustaining the loss or injury is entitled to the same remedy against the Registrar-General in the corporate capacity of the Registrar-General as the person would have been entitled to against a natural person; and

(b) the liability of the Registrar-General shall be discharged by the Territory.

Invalidity of documents

9. A document is not invalid on the ground that there was—

25 (a) an informality in connection with the affixing of the seal; or

(b) a failure to affix the seal.